

U.S. Application Serial No. 09/602,727

**REMARKS**

The present amendment is in response to the Official Action dated April 9, 2004, which reopens prosecution setting forth new grounds for rejection of pending claims 1-42 in response to an appeal, that was filed after the previous Official Action was made final. The new grounds for rejection reject claims 1-42 as being unpatentable over Hyziak et al., U.S. Patent No. 6,125,279 in view of Logsdon et al., U.S. Patent No. 5,890,054, and in the case of claim 2, further in view of Anvekar et al., U.S. Patent No. 6,377,805. However, similar to the previous grounds for rejection, which have been withdrawn in favor of the present rejection based upon new grounds, the references relied upon in support of the rejection similarly fail to teach and/or suggest each and every feature of the claims. More specifically, the references relied upon in support of the present rejection fail to teach or suggest the relaying of communication signals from a remote radio via an assigned mobile to unassigned mobile stations, each of which is capable of receiving radio communications directly from a remote radio (claims 1, 14, 18 and 26); is in direct radio communication with one or more remote radios of a radio communication system (claim 28); or is within direct radio communication range of a remote radio (claim 29).

In Logsdon et al., '054, the reference allegedly relied upon for teaching the same, a mobile station is selected to relay messages from a remote radio, only when the mobile station is no longer capable of communicating directly with the remote radio (please see abstract; col. 2, lines 18-19; and col. 3, lines 31-33). In fact, as soon as the distressed mobile device is capable of communicating with and registering with a base station, the mobile device terminates its emergency link through the intermediary mobile device (col. 6, lines 20-26). Consequently, contrary to the suggestion of the Examiner, the reference fails to teach or suggest selectively assigning one mobile station among a plurality of mobile, which are each capable of receiving radio communications directly from a remote radio, as a first mobile station for receiving radio communications from the remote radio intended for one or more of the plurality of mobile stations.

Relative to claim 21, while Logsdon et al., '054, describes circumstances in which direct communication is no longer possible (due to excessive range, or excessive interference), contrary to the assertions of the examiner, the reference fails to teach or suggest where the direct

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communication would be selectively disabled. Direct communication which is no longer possible can not be selectively disabled.

Lastly relative to claim 41, the Examiner has provided no support for the assertion that Hyziak et al., '279, teaches not energizing at least some of the circuitry needed for receiving radio communications from the remote radio in at least one or more of the plurality of mobile stations which are not assigned, while radio communications from the remote radio are being transmitted. The applicant respectfully requests for an identification as to where in the reference, the alleged teaching is supported. In absence of such a teaching, the claim can not be said to be obvious.

For the above noted reasons, the applicant contends, that the claims are allowable over the prior art of record. Consequently, the applicant would request that the Examiner reexaminer and reconsider the claims in view of the above noted reasons. Allowance of the application is respectfully requested.

In the event, that there are any remaining unresolved issues precluding the issuance of the present application after consideration of the present response, before issuing a further rejection, the Examiner is respectfully requested to contact the applicants' agent at the below listed number to discuss the same.

Respectfully submitted,

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